IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 30974 of 2006(K)

PETITIONERS:

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1. JUNAIDH,
   HASNA MANZIL, PALLIMUKKU,
   ALANCODE P.O., ATTINGAL.

2. K.M.SHERAFUDHEEN,
   SHIJI MANZIL, ROAD VILA CHERIYAVELINELLOOR P.O.

3. BASHEER,
   N.B.NIVAS, AUDOORKONAM P.O., POTHENCODE VIA,
   THIRUVANANTHAPURAM DISTRICT.

4. HASEENA,
   HASEENA MANZIL, NILAKKAMUKKU, KADAKKAVOOR P.O.

5. SUNITHA JAHAS,
   SUMAYYA BHAVAN, MUTTAPPALAM, PERUMKUZHI P.O.,
   THIRUVANANTHAPURAM DISTRICT.

6. FATHIMA,
   ROSE HOUSE, PALACE ROAD, ATTINGAL.

7. SABU JAHAS,
   SUMAYYA BHAVAN, MUTTAPPALAM, PERUMKUZHI P.O.,
   THIRUVANANTHAPURAM DISTRICT.

8. NIZAR C.V.,
   NEW HOME, PAYYANKODE, OYOOR P.O.,
   KOLLAM DISTRICT.

9. UMAIBA BEEVI,
   KOLLAM VILASOM HOUSE, NETTAYAM,
   VELEMANOOR P.O., KATTUPUTHUSSERI,
   THIRUVANANTHAPURAM.

10. RAHENDRAN, S/O. RAGHAVAN,
    NIKHIL NIVAS, PANDAKASALA, CHIRAYINKEEZHU,
    THIRUVANANTHAPURAM DISTRICT.

11. RAJASREE, W/O. RAJENDRAN,
NIKIL NIVAS, PANDAKASALA, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM DISTRICT.

12. RAGHAVAN, S/O. NEELAKANDAN,
PADINJAREPURAYIL VEEDU, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM DISTRICT.

13. PONNAMMA, W/O. RAGHAVAN,
PADINJAREPURAYIL VEEDU, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.P.K.MUHAMMED
SRI.S.VIJI

RESPONDENTS:
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1. K.R.FINANCIERS, REPRESENTED BY
VASANTHAKUMAR, S/O. RAGHAVAN, K.R.GARDENS,
KATTUPUTHUSSERI, KUDAVOOR VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT.

2. THE SUPERINTENDENT OF POLICE,
CRIME BRANCH, THIRUVANANTHAPURAM.

3. THE DIRECTOR,
CENTRAL BUREAU OF INVESTIGATION,
NEW DELHI.

4. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

ADDL.R5. V.BALACHANDRAN NAIR, S/O. VELU PILLAI
AGED 61 YEARS, KAIPPALLI VEEDU
MALLIKKUNNU P.O., NAVAIKULAM
THIRUVANANTHAPURAM DIST.

(IMPLEADED AS PER ORDER DT.21.2.07 IN IA 2373/07)

R3 BY ADV. SRI.S.SREEKUMAR, SC FOR CBI
R2 & 4 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
ADDL.R5 BY ADV. SRI.P.C.HARIDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 30974 OF 2006-K

Dated this the 23rd day of February, 2007

JUDGMENT

The grievance of the petitioners is that in spite of the orders passed in W.P.(c) No.3707/06 and W.P.(c) No.4923/06 on 3/4/06 and 6/3/06 no effective, proper and expeditious investigation is being conducted by the Special Investigation Team constituted as per the orders of this Court.

2. Notice was given to the learned Public Prosecutor. The 2nd respondent, who heads the Special Investigation Team of the CB CID, Special Investigation Group-I, Trivandrum, has filed a detailed statement explaining to this Court the steps taken in the matter. The 2nd respondent has prayed that some further time will be required for completion of the investigation considering the volume and magnitude of the challenge before the Investigating Officers.

3. While I appreciate the anxiety of the petitioners for an early and expeditious completion of the investigation, the challenge before the Investigating Officers cannot be lost

sight of. I am, in these circumstances, satisfied that no special or specific directions need now be issued.

4. The petitioners have a further grievance that separate crimes have not been registered on the basis of the complaints of some of them (Exts.P10 to P17 are such complaints). The learned Public Prosecutor submits that the entire matter is being investigated and it is not necessary to register separate crimes on the basis of the complaints filed by the individual depositors. The entire matter is being looked into and needful shall be done by the respondents.

5. This writ petition is, in these circumstances, dismissed; but with the specific observation that the Investigating Officer must make every endeavour to complete the investigation expeditiously. The petitioners shall be at liberty to approach this Court again at a later stage of investigation – not at any rate, within a period of six months from this date by which date I expect the Investigating Officers to complete the investigation and file the final report.

6. I take note of the submission of the learned counsel for the petitioners that statements of some of the petitioners have

not been recorded so far. The Investigating Officers must consider that grievance of the petitioners and ensure that those who have grievances are also questioned and their grievances are taken into account while filing the final report.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge